IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 23872 of 2004

Between:

1 Vootlapalli Doraswamy, s/o Narasaiah,
R/o Dundigam Village, Dagadarthi Mandal, Nellore

District.
2 Malepati Mala Kondaiah, S/o Kondaiah,
R/o Dundigam Village, Dagadarthi Mandal, Nellore

District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Kavali, Nellore District.
2 The Mandal Revenue Officer, Dagadarthi Mandal,

Dagadarthi, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, direction or order more particularly one in the nature of Writ of Mandamus declaring the action of 2nd respondent in proposing to issue pattas in favour of third parties of the choice of the political opponents of the petitioners in respect of the assigned lands of the petitioners measuring an extent of 5 acres in survey No. 504/2 and Acres 4-03 cents in Survey No. 404/1 respectively situated in Dundigam village of Dagadarthi Mandal, Nellore District as illegal, unjust and in violation of Section 4 of A.P. (Prohibition of Transfer of Assigned lands) Act, 1977 and articles 14 and 21 of Constitution of India and consequently direct the 2nd respondent to restore the above said lands to the petitioners and also to declare the

action of the 1st respondent in not disposing of the stay petition filed by the petitioners along with the appeal preferred against the order of the 2nd respondent dated 10-9-2004 in Rc.No. B.248/2004 as illegal, arbitrary and unjust and consequently direct the 1st respondent to dispose of the stay petition and pass such other orders.

Counsel for the Petitioners: MR.M.VENKATA NARAYANA

Counsel for the Respondent Nos.1 & 2 : GP FOR REVENUE

The Court made the following :

ORDER:

The second respondent herein passed an order dated 10-09-2004 resuming the land in question, which is in the possession of the petitioners herein. The petitioners state that against the said orders, they preferred an appeal before the 1st respondent-Revenue Divisional Officer, Kavali, within the period of limitation and they also moved an application seeking stay of operation of the order dated 10.09.2004. The only grievance in this writ petition is that the 1st respondent failed to consider their appeal and no orders have been passed even on their application for grant of stay. Hence, this writ petition.

Having heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents, the writ petition is disposed of with a direction to the 1st respondent to dispose of the application for stay, filed by the petitioners in the appeal filed against the order of the 2nd respondent dated 10.09.2004, within a period of two weeks from the date of receipt of the order. Till such time, the respondents are directed not to dispossess the petitioners from the land in question.

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22-12-2004

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To

1 The Revenue Divisional Officer, Kavali, Nellore District.
2 The Mandal Revenue Officer, Dagadarthi Mandal,

Dagadarthi, Nellore District.

3 Two CCs to GP for Revenue, High Court buildings, Hyderabad (OUT)

4 Two CD copies.